

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
SBC IP Communications, Inc.)	CC Docket No. 99-200
Petition for Limited Waiver of)	DA No. 04-2144
Section 52.15(g)(2)(i) of the Commission's)	
Rules Regarding Access to)	
Numbering Resources)	

**COMMENT OF
THE PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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The Pennsylvania Public Utility Commission (PaPUC) submits this Comment in response to the Federal Communication Commission's (FCC or Commission) Public Notice¹ regarding SBC IP Communications, Inc.'s (SBC IP) request for waiver from Section 52.15(g)(2) of the Commission's rules. This PaPUC Comment relies on the PaPUC's Reply Comment in the pending IP Services Docket at WC 04-36² and could change in response to future developments or as a result of other Comments filed in this proceeding. Finally, the views expressed here should not be construed as evidence of any binding conclusion the PaPUC may reach in future contested on-the-record proceedings.

As an initial matter, the PaPUC suggests that any FCC determination regarding SBC IP's Petition for Waiver should address SBC IP's self-styled description of its service as an information service. Any decision should note that SBC IP's description of its service is not controlling because that issue will be addressed in the pending IP Services proceeding at Docket No. WC-04-36.

The PaPUC suggests that the Commission deny SBC IP's requested waiver for several reasons. First, SBC IP's undocumented allegations have not met the "good cause" standard³ for the granting of a waiver of the Commission's rules regarding accessing numbers. The mere fact that SBC IP plans to have a possible commercial roll-out of VoIP in its service territory does not rise to meeting the standard of "good cause" that is required to waive the applicability of a Commission rule.

Secondly, this very issue is currently pending before the Commission in the IP services proceeding mentioned above and SBC IP has not shown any compelling need to address the issue at this time. Additionally, the alleged benefits of interconnection efficiencies stemming from the granting of this waiver are minor compared to the major implications to state authority. The particular rule that SBC IP seeks to have waived

¹ *Comment Sought on SBC IP Communications, Inc. Petition for Limited Waiver of Section 52.15(g)(2)(i) of the Commission's Rules Regarding Access to Numbering Resources*, Public Notice, DA 04-2144, CC Docket No. 99-200 (rel. July 16, 2004).

² *IP-Enabled Services*, Notice of Proposed Rulemaking, WC Docket No. 04-36, 19 FCC Rcd 4863 (2004).

³ *See* 47 C.F.R. § 1.3.

requires that “[telecommunications] carriers provide, as part of their applications for initial numbering resources, evidence demonstrating that they are licensed and/or certified to provide service in the area in which they seek numbering resources.”⁴ This rule gives states the authority to “certify” which carriers are allowed to obtain numbers in their region and the ability to ensure the availability of telephone numbers throughout their region. Absent a certification or registration mechanism, which is required of all other telecommunications carriers that obtain telephone numbers from the NANPA, a state’s ability to monitor the usage of telephone numbers and to prevent the unnecessary proliferation of new area codes in their particular territories may be hindered.

Furthermore, the granting of SBC IP’s waiver request could lock-in IP Services customers in SBC’s service territory because different obligations may be imposed on other IP Services providers in SBC’s service territory as they would be prohibited from obtaining direct access to numbering resources for their VOIP services offerings. That is because any alleged benefits or efficiencies stemming from SBC IP having direct access to numbering resources and, thus, having the ability to achieve Type 2 Interconnection⁵ arrangements throughout its service territory, will accrue directly to SBC IP and SBC Inc., given that SBC IP probably obtains its numbers from SBC, Inc. at this time. Finally, a waiver could trigger a flood of similar waiver requests whose resolution could distract the Commission from addressing the matter in more detail in the pending IP Services docket.

In the alternative, if the Commission determines that granting a waiver for one company’s anticipated VoIP roll-out is appropriate, the waiver should expressly permit state commissions in SBC IP’s service territory to impose reasonable registration or certification requirements as part of the state’s obligation to promote numbering efficiency and consistent with SBC IP’s recognition that numbers are a scarce public

⁴ 47 C.F.R. § 52.15(g)(2)(i).

⁵ “Type 2” interconnection, as opposed to “Type 1” interconnection, is a more efficient means for telecommunications carriers to interconnect to the public switched telephone network (PSTN) as it allows interconnection at ILEC end offices and at ILEC tandem switches.

resource. As with any SBC IP waiver, this authority should last only until the Commission comprehensively addresses these matters in the pending IP Services docket.

The PaPUC thanks the Commission for providing an opportunity to file this Comment.

Respectfully submitted,
Pennsylvania Public Utility Commission

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